

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HOMER MCLAINE ALLEN, JR.
and O'MARION DALE ALLEN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

V

NATASHA STUCKEY,

Respondent-Appellant.

UNPUBLISHED

October 19, 2006

No. 269163

Saginaw Circuit Court

Family Division

LC No. 04-029526-NA

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

Respondent Natasha Stuckey appeals as of right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence clearly and convincingly established that Stuckey failed to address her admitted substance abuse problem after the court assumed jurisdiction. Twice while these proceedings were pending, Stuckey left the same substance abuse program. In addition, Stuckey was discharged from two other programs for failure to follow the rules. After March 2005, Stuckey abandoned her children and had no contact with her case worker or the trial court until a hearing in November 2005. There was no evidence that Stuckey was able to care for her children or provide a stable home for them. Given this evidence, Stuckey has failed to show that termination of her parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

We also reject Stuckey's argument that the trial court violated her due process rights by failing to permit her at least two years to overcome her drug addiction. Stuckey relies on a version of MCL 712A.19a which was substantially amended by 1994 PA 264 to address an ongoing concern that children were languishing indefinitely in the temporary custody of trial courts. *Trejo, supra* at 351. Stuckey's due process rights were not violated because, "only" 14 months after the trial court assumed jurisdiction, the trial court concluded that statutory grounds for termination under MCL 712A.19b(3) had been proven by clear and convincing evidence, and

also determined that the children's best interests did not preclude termination of Stuckey's parental rights. MCL 712A.19b(5); *Trejo, supra* at 356. Accordingly, the trial court properly terminated Stuckey's parental rights.

Affirmed.

/s/ William C. Whitbeck
/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder